

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-10226

v.

Hon. John Corbett O'Meara

BRIAN J. ROMAN,

Defendant.

**ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Before the court is Plaintiff's motion for summary judgment, which was filed March 2, 2015, and which has been fully briefed. Pursuant to L.R. 7.1, the court finds that oral argument is not necessary to aid in the resolution of this matter.

Plaintiff is attempting to collect a student loan debt that was disbursed to a Brian J. Roman in 1981. The loan went into default in 1983. Plaintiff filed this action on January 17, 2014 to collect the outstanding balance, which was \$9,420.20 as of that date. In response to the complaint, Defendant filed a verified answer stating that "he never entered into the alleged loan, does not know who did, does not believe he benefitted from the loan proceeds and, if he did, he was and is unaware of such, cannot read the entire purported loan agreement provided by

Plaintiff and the signature appearing on said purported agreement is not Defendant's."

Plaintiff contends that Defendant's denial is insufficient to survive summary judgment. To grant summary judgment in Plaintiff's favor, however, would require the court to ignore Defendant's sworn statement. Making this type of credibility determination is precisely what the court is unable to do on summary judgment. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252-55 (1986) ("Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.").

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for summary judgment is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: April 28, 2015

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 28, 2015, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager